THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.26475 OF 2006

Between:

Lingampally Anjaiah son of Rajaiah

....Petitioner

Vs.

The Municipal Commissioner, Karimnagar and another

…Respondents

THE HONOURBALE SRI JUSTICE GODA RAGHURAM

WP NO.26475 OF 2006

ORAL ORDER

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This writ petition is filed complaining of the failure of the 1st respondent to respond to the petitioner's representation dated.27-11-2006 wherein the petitioner informed the 1st respondent that the Municipal Corporation had erroneously granted a building permission to the 2nd respondent in respect of property in an extent of 666.6 square yards in Sy.No.291, and 292 of Kattarampur, Karimnagar.

According to the petitioner, the 3rd respondent- a real estate businessman is trying to unlawfully occupy the petitioner's land aforementioned. The petitioner instituted O.S.No.17 of 2006 of the Court of Senior Civil Judge, Karimnagar. In I.A.No.108 of 2006 the civil Court granted an ad interim injunction dated.27-01-2006 restraining the 2nd respondent from interfering with the petitioner's possession of the property. Thereupon the petitioner submitted a representation dated.27-11-2006 to the 1st respondent intimating the 1st respondent as to the grant of temporary injunction in his favour and against the 2nd respondent and calling upon the 1st respondent to cancel the building permission granted particularly in the context of the fact that the petitioner had already constructed a structure in the premises on the basis of a deemed permission consequent on the 1st respondent failing to respond to the

petitioner's building permission application dated.07-04-2005.

The learned counsel for the petitioner is unable to place before this Court any statutory power whereunder the 1st respondent can recall or rescind a building permission already granted. Since the dispute between the petitioner and the 2nd respondent with regard to the ownership and possession of the property in question is already pending consideration by the Civil Court in O.S.No.17 of 2006 and in the absence of any power shown in the 1st respondent to rescind a building permission already granted, no direction can be issued to the 1st respondent to consider the petitioner's representation dated.27-11-2006 or to rescind the permission already granted.

There are no merits. The petitioner is always at liberty to pursue appropriate litigative strategies for obtaining relief in O.S.No.17 of 2006. The writ petition is accordingly dismissed.

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GODA RAGHURAM,J

20th AUGUST 2007
*TSNR/PVSN